UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CADWALADER, WICKERSHAM & TAFT LLP, Plaintiff, -against- ONEBEACON AMERICA INSURANCE COMPANY, SEATON INSURANCE COMPANY and CAVELL USA INC., Defendants.	**CASE MANAGEMENT ORDER** Case No. 05 CV 4244 (Berman, J.)

The following Case Management Plan is entered after consultation with the parties. This Plan is also a Rule 16 and Rule 26(f) scheduling order as required by the Federal Rules of Civil Procedure.

(i) Joinder of additional parties by August 19, 2005.

(ii) Amend the pleadings by August 19, 2005.

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(iii) All discovery to be expeditiously completed by ~~January 2, 2006 [plaintiff's proposal]/June 20, 2006 [defendants' proposal].~~ Nov 4, 2005 (final)

(iv) The parties' consent to proceed before a Magistrate Judge solely with respect to discovery pursuant and subject to the provisions of F.R.C.P. 72.

(v) Status of Settlement Discussions: The parties sought to resolve their dispute prior to initiation of the lawsuit and, more recently, further discussed the possibility of settlement. The discussions have not been fruitful to date. The defendants represent that the parties have previously discussed mediating this dispute, and the defendants state that they remain willing to mediate the dispute. Plaintiff believes defendants' representation is inaccurate and that the statement as a whole is unnecessary.

Sections vi through xi will be set at conference with the Court.

(vi) Motions:____________________________________

(vii) Oral Argument:______________________________

(viii) Joint Pre-Trial Order to be submitted by________________

(ix) Final Pre-Trial Conference________________

(x) Trial________________

(xi) Other Refer to J. Ellis for settlement/mediation

SO ORDERED: New York, New York
June 20, 2005

RMB
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Hon. Richard Berman

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